

Message Text

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ORIGIN DOE-11

INFO OCT-01 EUR-12 ISO-00 SOE-02 OES-07 SS-15 L-03
ACDA-12 CIAE-00 INR-07 IO-14 NSAE-00 NSC-05 EB-08
NRC-07 DODE-00 SP-02 /106 R

DRAFTED BY USDOE:AGIAMBUSO:MIM
APPROVED BY OES/NET/EST:JBORIGHT
S/AS:PFARLEY
L:JSMITH (SUBSTANCE)
DOE:JGLASGOW

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FM SECSTATE WASHDC
TO AMEMBASSY VIENNA PRIORITY

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US

E.O. 11652: N/A

TAGS: INFCE, TECH

SUBJECT: DISTRIBUTION OF INFCE DOCUMENTS

UNDERSTANDING SHOULD BE REACHED CONCERNING THE
CONFIDENTIALITY OF DOCUMENTS RECEIVED OR PREPARED BY THE
EIGHT INFCE WORKING GROUPS. IN ITS ROLE AS INFCE
SECRETARIAT, THE AGENCY APPEARS WELL SITUATED TO ASK
INFCE PARTICIPANTS WHETHER THEY DESIRE THAT WORKING
PAPERS BE CIRCULATED ONLY TO THE WORKING GROUPS AND
THAT PUBLIC DISTRIBUTION OCCUR ONLY WHEN FINAL PAPERS
ARE ISSUED. UNLESS MISSION IS AWARE OF REASONS WHY
AGENCY WOULD NOT BE RECEPTIVE TO INQUIRY, WE ASK THAT
MISSION APPROACH AGENCY TO ASCERTAIN ITS WILLINGNESS
TO CANVASS INFCE PARTICIPANTS TO GET THEIR VIEWS ON CIR-
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CULATION OF DOCUMENTS. END SUMMARY.

1. PROGRESS OF INFCE WOULD BE FACILITATED IF A POLICY IS
ESTABLISHED CONCERNING THE DISTRIBUTION OF PAPERS RECEIVED
OR GENERATED BY THE WORKING GROUPS. EACH GROUP WILL OF
COURSE CONSIDER A WIDE RANGE OF PAPERS AND SELECT AND
EDIT MATERIAL BEFORE ARRIVING AT A PRODUCT TO BE SUB-

MITTED TO THE TECHNICAL COORDINATING COMMITTEE FOR ITS VIEWS, AND FINALLY A PRODUCT FOR BROAD DISTRIBUTION TO MEMBER NATIONS. SINCE WORKING PAPERS WILL NOT NECESSARILY REFLECT FINAL TECHNICAL DATA AND VIEWS REACHED DURING INFCE, WIDE DISTRIBUTION OF SUCH PAPERS COULD HAMPER THE WHOLE EXERCISE. WHILE THE U.S. HAS NOT RAISED THE ISSUE WITH INFCE PARTICIPANTS, WE FEEL MOST WOULD SHARE OUR VIEW.

2. THE PREFERRED APPROACH IN OUR VIEW WOULD BE TO HAVE ALL INFCE PARTICIPANTS ADDRESS WORKING PAPERS TO THE WORKING GROUP (OR GROUPS) FOR WHICH THEY INTENDED. AS WORK PROGRESSES, A GROUP'S WORK PRODUCT WOULD REMAIN WITHIN THE GROUP AND SUPPORTING ELEMENTS TO THE GROUP MEMBERS UNLESS THAT GROUP DECIDES THAT THE PAPER SHOULD ALSO BE DISTRIBUTED TO ONE OR MORE OF THE OTHER 7 GROUPS. ANY REQUESTS FOR COPIES OF SUCH WORKING PAPERS FOR PUBLIC DISSEMINATION WOULD BE DENIED.

3. THE U.S. MUST ALSO CONSIDER THE POSSIBILITY THAT REQUESTS UNDER THE FREEDOM OF INFORMATION ACT (FOIA) WILL REQUIRE RELEASE OF WORKING PAPERS PREPARED FOR INFCE BY U.S. PARTICIPANTS OR DISTRIBUTED TO U.S. REPRESENTATIVES BY OTHER PARTICIPANTS. DOE HAS PREPARED A STUDY OF FOIA ISSUES AND HAS GENERALLY CONCLUDED THAT THE FOIA SHOULD NOT PRESENT SERIOUS PROBLEMS. THAT WHICH IS UNCLASSIFIED

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TRULY SENSITIVE BECAUSE OF ITS COMMERCIAL OR FINANCIAL IMPLICATIONS CAN IN MOST CASES BE PROTECTED FROM DISCLOSURE UNDER EXEMPTION 4 OF THE ACT. WHERE THE CLASSIFICATION REQUIREMENTS ARE MET, THE CONFIDENTIALITY OF SENSITIVE MATTERS INVOLVING NATIONAL DEFENSE OR FOREIGN AFFAIRS CAN BE ENSURED. DOCUMENTS WHICH DO NOT FIT EXEMPTIONS 1 OR 4 MAY NOT BE SENSITIVE IN MANY CASES. AND ANALYTICAL OR POLICY DOCUMENTS PREPARED BY U.S. ENTITIES SHOULD BE PROTECTABLE UNDER EXEMPTION 5. INFORMING THE PARTICIPANTS IN GENERAL TERMS OF THE POSSIBILITY THAT THE FOIA MAY IN SOME CASES REQUIRE DISCLOSURE OF WORKING DOCUMENTS HAS THE ADVANTAGE OF AVOIDING POSSIBLE CHARGES THAT THE U.S. WITHHELD IMPORTANT INFORMATION FROM THE PARTICIPANTS. ON THE OTHER HAND, SUCH DISCUSSION OF THE FOIA MAY RAISE MANY QUESTIONS AND REQUIRE THE U.S. TO ATTEMPT TO EXPLAIN THE COMPLEXITIES OF THE FOIA. TO AVOID HIGHLIGHTING POTENTIAL DOCUMENT DISCLOSURE UNDER U.S. LAW, THE U.S. COULD ASK THE AGENCY TO INQUIRE GENERALLY OF PARTICIPANTS CONCERNING THE BEARING OF THEIR DOMESTIC LAW ON THE CONFIDENTIALITY OF DOCUMENTS GENERATED FOR INFCE. SUCH AN INQUIRY PERFERABLY WOULD BE PART OF THE

AGENCY'S GENERAL SURVEY (SHOULD IT AGREE TO DO ONE) OF
THE PARTICIPANTS' VIEWS CONCERNING DOCUMENT HANDLING
PROCEDURES.

5. REQUEST THAT MISSION ADVISE REGARDING AGENCY
REACTION. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DOCUMENTS, INFORMATION CONTROL, CLASSIFIED INFORMATION
Control Number: n/a
Copy: SINGLE
Draft Date: 23 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE017357
Document Source: CORE
Document Unique ID: 00
Drafter: AGIAMBUSO:MIM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780034-0058
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780133/aaaabbtt.tel
Line Count: 122
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8efa24e1-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DOE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 23 feb 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3730240
Secure: OPEN
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Subject: DISTRIBUTION OF INFCE DOCUMENTS UNDERSTANDING SHOULD BE REACHED CONCERNING THE CONFIDENTIALITY OF DOCUMENTS RECEIVED OR PREPARED
TAGS: TECH, INFCE
To: VIENNA
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/8efa24e1-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
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